

## Office of Professional Accountability (OPA) Commendations & Complaints Report July 2004

### Commendations:

Commendation Received in July: 66

Commendations Received to Date: 459

Rank	Summary
(1) Sergeant	A community member appreciated a sergeant's assistance in locating a missing family member. It was an anxious time and the sergeant's efforts provided great relief.
(1) Officer	An officer who provided just the right balance of care, concern, boundary setting, role model responsibility and mature behavior to a young man in a mentoring program at a middle school was commended for the effort.
(2) Officers	Two officers were commended for the outstanding on-view narcotics arrest and investigation. The officers' consistent professional proactive policing and arrest were outstanding.
(10) Officers	Officers were dispatched to a robbery and assault disturbance involving a weapon. Suspects were apprehended and arrested in a short amount of time. All of the officers involved in the investigation and reporting of this incident did an outstanding job.
(1) Detective	On Crime Victims Awareness Day, a detective participated in a presentation which received very positive feedback and showed the program was a great success.
(1) Officer	An officer located a missing child who had wandered away from their residence.
(1) Sergeant (25) Officers (1) Civilian	The Family Fourth of July event on Lake Union demonstrated the professionalism and assistance of many officers. The team approach worked well and kept the event a safe and fun time for the public.
(1) Officer	An officer and his K-9 partner searched a middle school for weapons and drugs. Their efforts went a long way towards a sense of security brought to the community and their assistance was much appreciated.
(1) Officer	Recently, during Greek Week, fraternities were especially loud and many repeat complaints were received by communications. An officer responded and effectively handled the situations. The officer took the time to keep the community updated and has been proactive in his work. His efforts and actions have been truly appreciated and set a positive example of quality policing.
(2) Officers	Commendations to several officers for their diligence that resulted in the recovery of a stolen vehicle. The quick response and recovery by the officers saved the vehicle from being stripped.
(1) Officer	An officer was thoughtful and professional to the neighbors while investigating an incident at a home. The officer explained what he was doing and ensured the residents were aware of his surveillance in the area. The neighborhood appreciates the patrol activity.
(1) Officer	An appreciation letter was received for an officer that participated in keeping a community center and residents safe. The officer made a positive difference and engaged youth, staff and community members on a regular basis. The officer represented the department in a most exemplary manner.
(1) Officer	An assembly was held at a high school and an officer participated as a speaker. The officer's well-thought-out statements and unique perspective engaged and intrigued the students.

(1) A/Chief (1) Lieutenant (5) Officers	Recognition was given to an A/Chief and lieutenant for their efforts leading to the apprehension of a kidnapper with a criminal history. Other officers involved also played a major role in handling this incident as a team.
Harbor Patrol	Several officers responded to a 911 call when a boat was sinking with occupants on it. The officers were professional and very competent ensuring the well being of the occupants. The officers were commended for their professionalism in saving life and property.
(1) Officer	An officer was commended for his ability to deal with a difficult situation in a tactful, human, patient and understanding manner. The officer's professionalism, superb conduct and technical expertise of human behavior was extremely impressive.
Motorcycle Unit	Appreciation was extended to the department's motorcycle unit on behalf of a successful hospital fundraiser. More than 1,000 motorcycles made the trip without a mishap.
(1) Parking Enforcement Officer	A community that has had parking problems in the past appreciates the excellent job a parking enforcement officer's efforts have made.
(1) Officer	An officer and K-9 partner responded to a security situation and were able to catch a suspect. The officer possessed a professional attitude and without the help of the K-9 dog, this matter would not have been resolved. Thanks to both.
(2) Officers	A commendation letter was received for two officers who played an important role working to foster and maintain relationships with other law enforcement agencies.
(1) Officer	A business appreciated an officer's assistance regarding safety issues and suspicious circumstances at their location. Without the officer's investigation and advice, the business may have been vulnerable.
(1) Officer	An officer conducted himself in a truly exemplary manner in a life-saving attempt. The department should be proud of the officer's actions as they were of the highest professional standards. The family was extremely grateful for the heroic efforts the officer made to keep their loved one alive.
(2) Officers	A runaway youth with history of disrespectfulness to crisis counselors was located. Two officers provided back-up to a social worker when this trait was recognized. Their observance training was much appreciated by the crisis counselor and the at-risk youth who calmed down.

## July 2004 Closed Cases:

*Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.*

*Cases are reported by allegation type. One case may be reported under more than one category.*

## UNNECESSARY FORCE

Synopsis	Action Taken
Complainant alleged the named officer used unnecessary force in two separate incidents, a year apart.	The evidence indicates that the complainant resisted arrest in both incidents, and that the named officer had to use substantial force to gain control. In both incidents, the force was documented, screened by a supervisor, and reported. The statements of all involved officers are consistent, while the complainant's credibility is questionable. Finding – EXONERATED.
Complainant alleged she was handled roughly while being	The evidence does not support the complainant's allegation that excessive force was used. Both officers at the scene

arrested on a warrant.	gave consistent statements that no force was used and that the named officer never even touched the complainant. The complainant's booking photo does not show any signs of injury. The complainant was very angry about her arrest, possibly under the influence of medication, and her complaint of force was vague and at times inconsistent. Finding – UNFOUNDED.
Complainant alleged the named officer slammed his face onto the hood of a patrol car during the complainant's arrest.	The evidence does not support the complainant's allegation. The named officer stated that he did hold the complainant down while another officer applied a bandage to the complainant's finger. The named officer stated that the complainant's face never touched the patrol car. The witness officers gave consistent statements to this same effect. Moreover, the complainant's former girlfriend stated that she observed the entire incident, that the officers were trying to calm him down, and that the complainant's face was never slammed into the car. Finding – UNFOUNDED.
Complainant alleged that officers broke his arm during an arrest.	An investigation refuted the complainant's allegation. The evidence showed that officers responded to several 911 calls from citizens about a man running on a busy street and banging on cars. A patrol car video shows that responding officers used clear communication and de-escalation techniques to calm a potentially volatile situation with an unknown offender. The officers took their time, used clear instructions, gave assurances to the complainant, checked his position to ensure he could breathe, and got a blanket for him. The entire video contradicts the allegation of rough handling. Though the complainant did have a broken bone, he told the hospital that he was injured in a fall at his home. Finding – ADMINISTRATIVELY UNFOUNDED. Case referred to City Attorney for consideration of prosecution for making a false statement.
Complainant alleged the named officer removed him from a Metro bus, used profanity, punched him on the chest, and refused to provide his name and badge number when asked.	The evidence does not support the complainant's allegations. The bus driver contradicts the complainant's account, and states that her memory and her records do not show anyone being removed from her bus on the date in question. The named officer denies any contact with the complainant. The witness officer states that he did not have any contact with the complainant, and did not observe any contact between the complainant and the named officer. Finding – UNFOUNDED.
Complainant alleged the named officers handcuffed him roughly. It was also alleged that the officers removed a multi-tool set from the complainant and never returned it.	The evidence indicates the complainant was under the influence of narcotics and does not have a clear recollection of the incident. The named officers deny using any force on the complainant other than handcuffing. Several independent witnesses support the officers' version and provide evidence that the officers did not use force. Finding – UNFOUNDED. The evidence does not provide a clear picture of what was done with the complainant's tool set. Finding as to Safeguarding Evidence – NOT SUSTAINED.
SPD command forwarded a complaint made at the scene by a citizen who alleged that the named officer choked and slammed him against a parked	The named officer, who was working off-duty at a nightclub, contacted the complainant for interfering with an SFD medic response at the club. The evidence gathered indicates that the subject would not move when SFD personnel tried to get past, and that the named employee grabbed the

car when ordering him to leave the area.	complainant by the collar and escorted him out of the way. The witness officers gave consistent accounts supporting the officer's statement. The complainant appeared intoxicated at the scene, gave two different accounts, provided a disconnected phone number to the supervisor at the scene, and did not contact the OPA directly. Finding – EXONERATED.
Complainant alleged he was threatened and handled roughly when the named officer arrested him.	The complainant clarified in his taped statement that the officer had not used any unnecessary force. Finding – UNFOUNDED. However, additional allegations of conduct unbecoming and biased policing were not timely investigated. OPA recommended officer counseling on the threatening remark, and included the complaint in the OPA database on allegations of biased policing.
Complainant alleged he was struck by an SPD officer.	The complainant did have injuries he attributed to the incident. The OPA-IS investigator did everything he could to try to identify an employee who had contact with the complainant on the night in question. The complainant was not able to make an identification, and there is no information that supports an encounter between the complainant and SPD officers that night. Finding as to Unknown Employee – NOT SUSTAINED.
It was alleged that the named employees used unnecessary force on a juvenile during his arrest following an occupied-residence burglary.	The subject admits to being verbally offensive, but states that he was physically compliant with officers. The named officers and witness officers state that the subject was physically combative. They struggled with the subject and used force to subdue him. The force used was documented, screened, and reported. The subject's minor injuries – abrasions to face and shoulder – are consistent with the force described. The majority of the evidence supports that the force used was necessary and consistent with policy. Finding – EXONERATED.
Complainant alleged he was punched in the face during an arrest.	The complainant gave different descriptions of the punch. The named officer and witness officer deny that the complainant was punched at all. The complainant's booking photos do not show any evidence of injury. The complainant has a lengthy criminal history. Finding – UNFOUNDED.

### MISUSE OF AUTHORITY

Synopsis	Action Taken
Complainant alleged the named officer misused his authority by conducting her arrest as a personal favor to a friend. Further, it was alleged the named officer held her in a holding cell for an excessive period of time and coerced a confession.	The evidence does not support the complainant's allegations. The named officer was working an authorized off-duty job when he was provided information by the complainant's employer about a crime. He investigated the crime and made an arrest while on-duty. There is no evidence to support the complainant's other allegations, and she failed to cooperate in the investigation. Finding – UNFOUNDED. Note: Two policy recommendations were made to address other issues raised in the investigation.

**SAFEGUARDING/MISHANDLING EVIDENCE/PROPERTY**

Synopsis	Action Taken
Complainant alleged the named employee removed a knife from him and failed to return it or submit it into evidence.	The evidence indicates that two separate officers handled two separate knives that belonged to the complainant. One was found on his person, and the other in his vehicle. The named officer states he found a knife in the vehicle and placed it into the complainant's glove box. Another witness officer stated he removed a knife from the complainant's person during a pat down and put it on the complainant's dashboard. The evidence indicates that the complainant was under the influence of intoxicants or drugs during the contact. OPA was unable to locate the subject for further questioning and clarification as to which knife, if any, was missing. Finding – UNFOUNDED.
Complainant alleged the named employee failed to safeguard his wallet and it was lost in his arrest.	Though the evidence is conflicting, there is some indication that the named employee may have left the complainant's wallet on top of the patrol car when the complainant was being taken into custody. The wallet was likely lost when another officer drove the car with the wallet left on top. Finding – REFERRAL FOR TRAINING.

**CONDUCT UNBECOMING AN OFFICER**

Synopsis	Action Taken
Complainant alleged that the named employee, while directing traffic at an intersection, threw a flare at his vehicle and failed to report the incident when the complainant confronted him.	The evidence did not establish by a preponderance whether the named employee threw a flare at the complainant's car, and that the employee failed to report the incident and damage. Finding – NOT SUSTAINED.

**FAILURE TO TAKE APPROPRIATE ACTION**

Synopsis	Action Taken
Several complainants alleged that the named officer failed to respond to an assault and let the suspects leave.	The evidence does not support the complainants' allegations. The named officer was nearby where the assault took place, but the officer stated that he did not see the assault and there is no evidence that he did. Once the victims brought the assault to his attention, the evidence indicates that the named officer reported it over radio and drove to the area to investigate. The named officer was distracted by a third party who was eventually arrested. The scene outside Pioneer Square on Halloween night was busy and chaotic, and the assault victims were not able to provide much information regarding the suspects. Finding – EXONERATED.

**Definitions of Findings:**

**“Sustained”** means the allegation of misconduct is supported by a preponderance of the evidence.

**“Not sustained”** means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

**“Unfounded”** means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

**“Exonerated”** means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

**Referred for Supervisory Resolution.**

**Training or Policy Recommendation** means that there has been no willful violation but that there may be deficient policies or inadequate training that need to be addressed.

**“Administratively Unfounded/Exonerated”** is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee’s actions were found to be justified, lawful and proper and according to training.

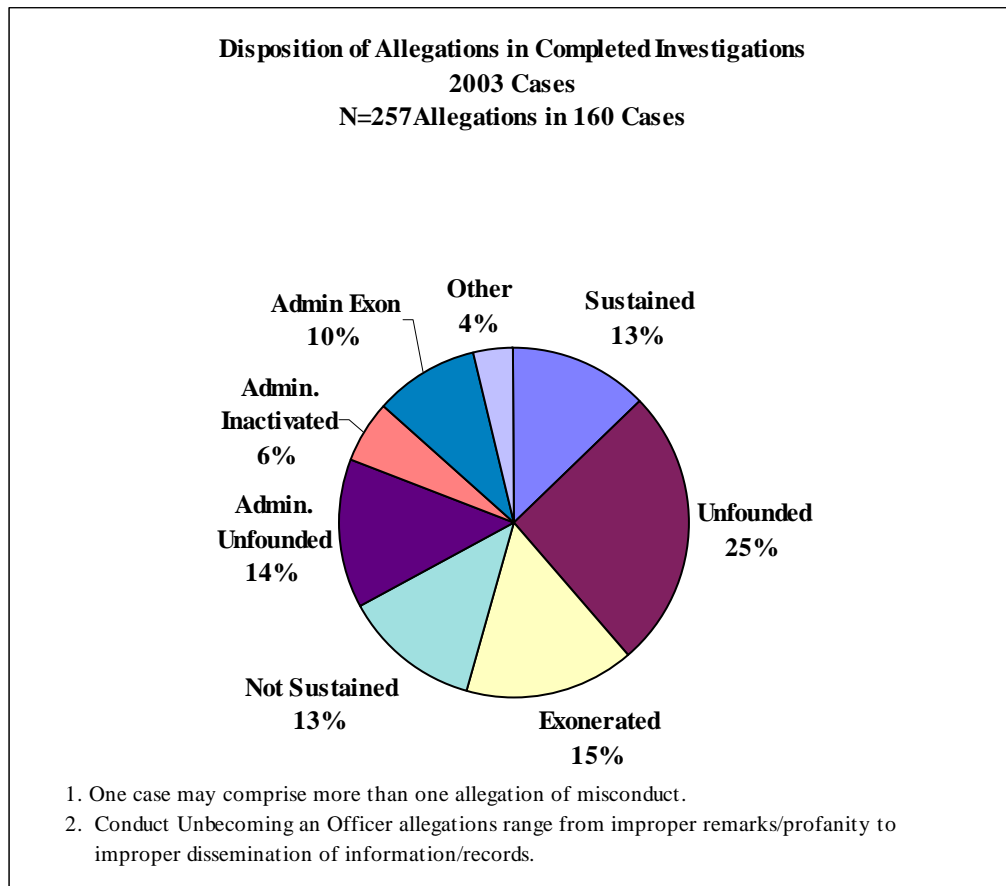
**“Administratively Inactivated”** means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

## Status of OPA Contacts to Date:

### 2003 Contacts

	December 2003	Jan-Dec 2003
Preliminary Investigation Reports	7	415
Cases Assigned for Supervisory Review	2	79
Cases Assigned for Investigation (IS;LI)	10	185
Cases Closed	8	160*
Commendations	70	861

\*includes 2003 cases closed in 2004



### 2004 Contacts

	July 2004	Jan-Dec 2004
Preliminary Investigation Reports	29	178
Cases Assigned for Supervisory Review	2	31
Cases Assigned for Investigation (IS;LI)	18	117
Commendations	66	459